

AMENDMENT

U.S. Appln. No. 09/842,637

IN THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

Claim 1. (Cancelled).

Claim 2. (Previously Presented) The method as claimed in Claim 9, wherein said antibiotic in step (b) is selected from the group consisting of rifampicin, kanamycin, ampicillin and pyrazinamide.

Claim 3. (Previously Presented) The method as claimed in Claim 9, wherein in step (b) said concentration of said at least one antibiotic is 25 to 150 $\mu\text{g/ml}$ and said dormant phase culture contain 10^5 to 10^9 bacteria/ml.

Claim 4. (Previously Presented) The method as claimed in Claim 9, wherein said bacterial strain is selected from a strain in the group consisting of the species *Staphylococcus aureus*, *Escherichia coli*, *Haemophilus influenzae*, *Streptococcus pyogenes*, *Streptococcus gordonii* and *Mycobacterium tuberculosis*.

Claim 5. (Previously Presented) The method as claimed in Claim 9, wherein said bacterial strain is a strain of the species *Mycobacterium tuberculosis* and said antibiotic in step (b) is rifampicin.

Claim 6. (Previously Presented) The method as claimed in Claim 9, wherein said bacterial strain is a strain of the species *Escherichia coli* and said antibiotic in step (b) is kanamycin.

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Claim 7. (Previously Presented) The method as claimed in Claim 9, wherein said bacterial strain is a strain of the species *Staphylococcus aureus* and said antibiotic in step (b) is ampicillin.

Claim 8. (Cancelled).

Claim 9. (Currently Amended) A method for identifying whether a test compound has antibacterial activity against dormant bacteria comprising the steps of:

(i) preparing a phenotypically antibiotic-resistant subpopulation of dormant bacteria according to the method comprising at least the steps of:

(a) growing an antibiotic-sensitive bacterial strain to stationary phase to thereby obtain a dormant culture of said antibiotic-sensitive bacterial strain; and

(b) treating the resulting dormant culture of said antibiotic-sensitive bacterial strain with at least one antibiotic which is capable of killing growing bacteria of the same strain at a concentration and for a time sufficient to kill growing bacteria of said strain, and selecting isolating a phenotypically antibiotic-resistant subpopulation;

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- (ii) incubating a sample of said phenotypically antibiotic-resistant subpopulation with said test compound, wherein said test compound is different from said antibiotic; and
- (iii) assaying whether said test compound exhibits, at a selected pharmaceutically acceptable concentration, ~~any~~ antibacterial activity against said phenotypically antibiotic-resistant subpopulation so as to identify whether said test compound has ~~any~~ antibacterial activity against said dormant bacteria, wherein said antibacterial activity is killing of said dormant bacteria.

Claim 10. (Currently Amended) The method according to Claim 9, further comprising the step of amplifying said test compound, after said test compound is identified by step (iii).

Claims 11-19. (Cancelled)